

PART 1101—SUNSHINE ACT REGULATIONS

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SOURCE: 59 FR 16979, Apr. 11, 1994, unless otherwise noted.

§ 1101.1 Purpose and scope.

(a) The provisions of this part are intended to implement the requirements of section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552b for the United States Enrichment Corporation ("Corporation").

(b) Nothing in this part expands or limits the present rights of any person under the Freedom of Information Act (5 U.S.C. 552), except that the exemptions set forth in § 1101.6 shall govern in the case of any request made pursuant to the Freedom of Information Act to copy or inspect the transcripts, recordings, or minutes described in § 1101.7.

(c) Nothing in this part authorizes the Corporation to withhold from any individual any record, including transcripts, recordings, or minutes required by this part, which is otherwise accessible to such individual under the Privacy Act (5 U.S.C. 552a).

(d) The requirements of chapter 33 of title 44 of the United States Code shall not apply to transcripts, recordings, and minutes described in § 1101.7.

§ 1101.2 Definitions.

For the purposes of this part:

Agency means any agency, as defined in 5 U.S.C. 552(e), headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency.

Board means the Board of Directors of the Corporation.

Corporation means the United States Enrichment Corporation.

Meeting means the deliberations of at least a quorum of the Corporation Board where such deliberations determine or result in the joint conduct or disposition of official Corporation business. A *meeting* may be conducted under this part through telephone or similar communications equipment by means of which all participants can hear each other. The term *meeting* does not include deliberations required or permitted by § 1101.4 or § 1101.5 and does not include the process of notation voting by circulated memorandum for the purpose of expediting consideration of routine matters.

Member means an individual who is a member of the Corporation Board.

Quorum means the number of members authorized to conduct Corporation business pursuant to the Corporation's bylaws.

§ 1101.3 Open meetings.

Members shall not jointly conduct or dispose of Corporation business other than in accordance with this part. Except as provided in § 1101.6, every portion of every meeting of the Corporation shall be open to public observation, and the Corporation shall provide suitable facilities therefor. The public is invited to observe and listen to all meetings of the Corporation, or portions thereof, open to public observation, but may not participate in the deliberations at such meetings or record any portion of such meetings by means of electronic or other devices or cameras.

§ 1101.4 Notice of meetings.

(a) The Corporation shall make a public announcement of the time, place, and subject matter of each meeting, whether it is to be open or closed to the public, and the name and telephone number of a Corporation official who can respond to requests for information about the meeting.

(b) Such public announcement shall be made at least one week before the meeting unless a majority of the members determine by a recorded vote that the Corporation business requires that such meeting be called at an earlier date. If an earlier date is so established, the Corporation shall make

such public announcement at the earliest practicable time.

(c) Following a public announcement required by paragraph (a) of this section, the time or place of the meeting may be changed only if the Corporation publicly announces the change at the earliest practicable time. The subject matter of a meeting or the determination to open or close a meeting or portion of a meeting to the public may be changed following the public announcement required by paragraph (a) of this section only if a majority of the members determine by a recorded vote that the Corporation business so requires and that no earlier announcement of the change was possible and if the Corporation publicly announces such change and the vote of each member upon such change at the earliest, practicable time.

(d) In addition to any other means which the Corporation may choose, public announcements required by this section shall be made by posting a notice in the reception area of the Corporation's headquarters at 6903 Rockledge Drive, Bethesda, Maryland 20817.

(e) Immediately following each public announcement required by this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the Corporation official designated to respond to requests for information about the meeting shall be submitted for publication in the FEDERAL REGISTER.

(f) Votes taken pursuant to this section may be conducted through any means which the Corporation Board determines are appropriate, including a notation voting process.

§ 1101.5 Procedure for closing meetings.

(a) Action under § 1101.6 to close a meeting shall be taken only when a majority of the members vote to take such action. A separate vote shall be taken with respect to each meeting, a portion or portions of which are proposed to be closed to the public pursuant to § 1101.6, or with respect to any information which is proposed to be withheld pursuant to § 1101.6. A single

vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty (30) days after the initial meeting in such series. The vote of each member participating in such vote shall be recorded and no proxies shall be allowed.

(b) Notwithstanding that the members may have already voted not to close a meeting, whenever any person whose interests may be directly affected by a portion of a meeting requests that the agency close such portion to the public for any of the reasons referred to in paragraphs (e), (f), or (g) of § 1101.6, the Board, upon request of any one of its members made prior to the commencement of such portion, shall vote by recorded vote whether to close such portion of the meeting.

(c) Within one day of any vote taken pursuant to this section, the Corporation shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Corporation shall, within one day of the vote taken pursuant to this section, make publicly available a full written explanation of this action closing the portion together with a list of all persons expected to attend the meeting and their affiliation. Information to be made publicly available pursuant to this paragraph (c) shall be posted in the reception area of the Corporation's headquarters.

(d) For every meeting closed pursuant to § 1101.6, there shall be a certification by the General Counsel of the Corporation stating whether, in his or her opinion, the meeting may be closed to the public and each relevant exemptive provision. A copy of such certification shall be retained by the Corporation and shall be made publicly available.

(e) Votes taken pursuant to this section may be conducted through any means which the Corporation Board determines are appropriate, including a notation voting process.